

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
WACO DIVISION

HITEL TECHNOLOGIES LLC,

Plaintiff

v.

BB OPCO LLC,

Defendant

**Case No. 6:22-cv-00202**

**JURY TRIAL DEMANDED**

**COMPLAINT FOR PATENT INFRINGEMENT**

Plaintiff Hitel Technologies LLC (“Hitel” or “Plaintiff”) files this Complaint for Patent Infringement against BB OpCo LLC (“Defendant”) and alleges as follows:

**NATURE OF THE ACTION**

1. This is an action for patent infringement arising under 35 U.S.C. § 1 et seq.

**PARTIES**

2. Hitel is a limited liability company organized and existing under the laws of the State of Texas with its principal place of business at 4757 W Park Blvd, STE 113-1052, Plano, Texas 75093.

3. On information and belief, Defendant is a corporation organized and existing under the laws of the State of Delaware, and has a regular and established place of business at 4401 N Interstate Hwy 35, Suite 777, Round Rock, TX 78664.

**JURISDICTION AND VENUE**

4. This Court has original jurisdiction over the subject matter of this action pursuant to 28 U.S.C. §§ 1331 and 1338(a).

5. Upon information and belief, Defendant is subject to personal jurisdiction of this Court based upon it having regularly conducted business, including the acts complained of herein, within the State of Texas and/or deriving substantial revenue from goods and services provided to individuals in Texas and in this District.

6. Venue is proper in this District under 28 U.S.C. § 1400 because Defendant has committed acts of infringement and has regular and established places of business in this judicial district.

#### **OVERVIEW OF THE BROOKS BROTHERS WEBSITE**

7. Defendant provides for its customers use the Brooks Brothers Website (<https://www.brooksbrothers.com/>) (the “Accused Website”).

8. On information and belief, Defendant provides the Accused Website that provides the user the ability to search and navigate among various categories of items. For these categories the user is able to search for items using keywords using a search box.

Brooks Brothers

MEN SHIRTS WOMEN BOYS GIFT CARDS SALE

Search Results

Home

Refine

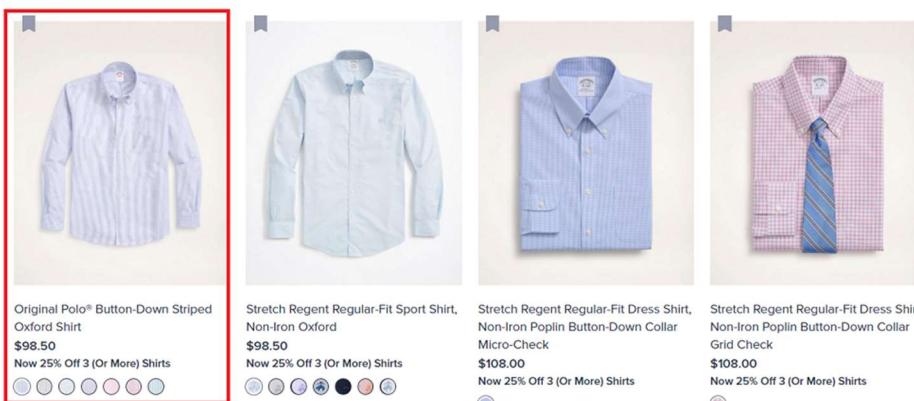
Gender:  Men

Price:  Under \$50  Under \$100  Under \$150  Under \$200

Product Category:  Dress Shirts  Sport Shirts  Knits  Shirts  Cuff Links  Dresses

1,307 Results for "Shirt"

Sort By



Original Polo® Button-Down Striped Oxford Shirt  
\$98.50  
Now 25% Off 3 (Or More) Shirts

Stretch Regent Regular-Fit Sport Shirt, Non-Iron Oxford  
\$98.50  
Now 25% Off 3 (Or More) Shirts

Stretch Regent Regular-Fit Dress Shirt, Non-Iron Poplin Button-Down Collar Micro-Check  
\$108.00  
Now 25% Off 3 (Or More) Shirts

Stretch Regent Regular-Fit Dress Shirt, Non-Iron Poplin Button-Down Collar Grid Check  
\$108.00  
Now 25% Off 3 (Or More) Shirts

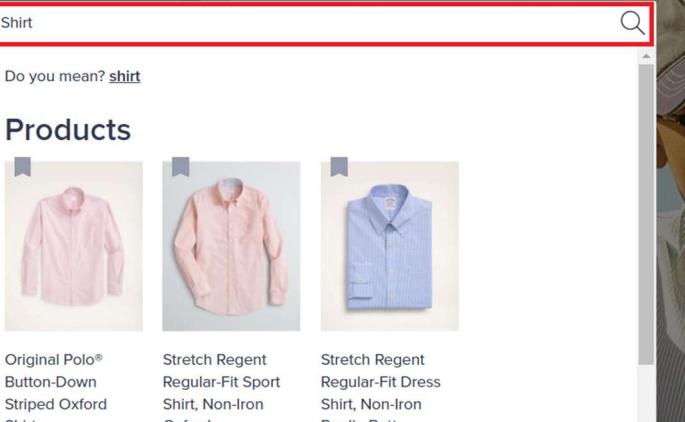
Brooks Brothers

MEN SHIRTS WOMEN BOYS GIFT CARDS SALE

Shirt

Do you mean? [shirt](#)

Products

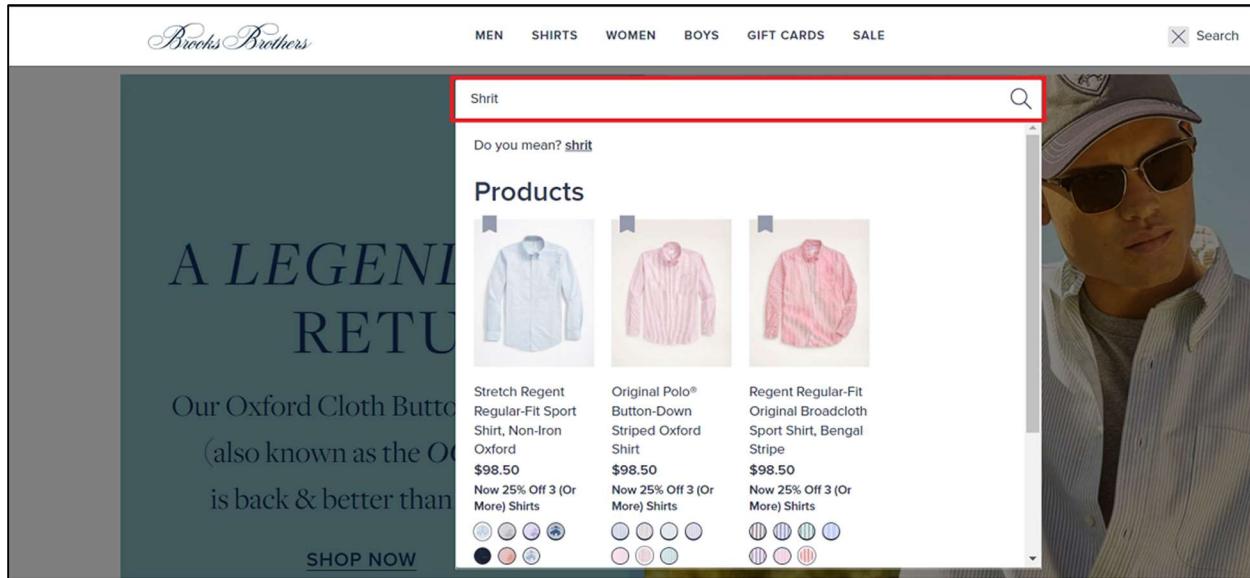


Original Polo® Button-Down Striped Oxford Shirt  
\$98.50  
Now 25% Off 3 (Or More) Shirts

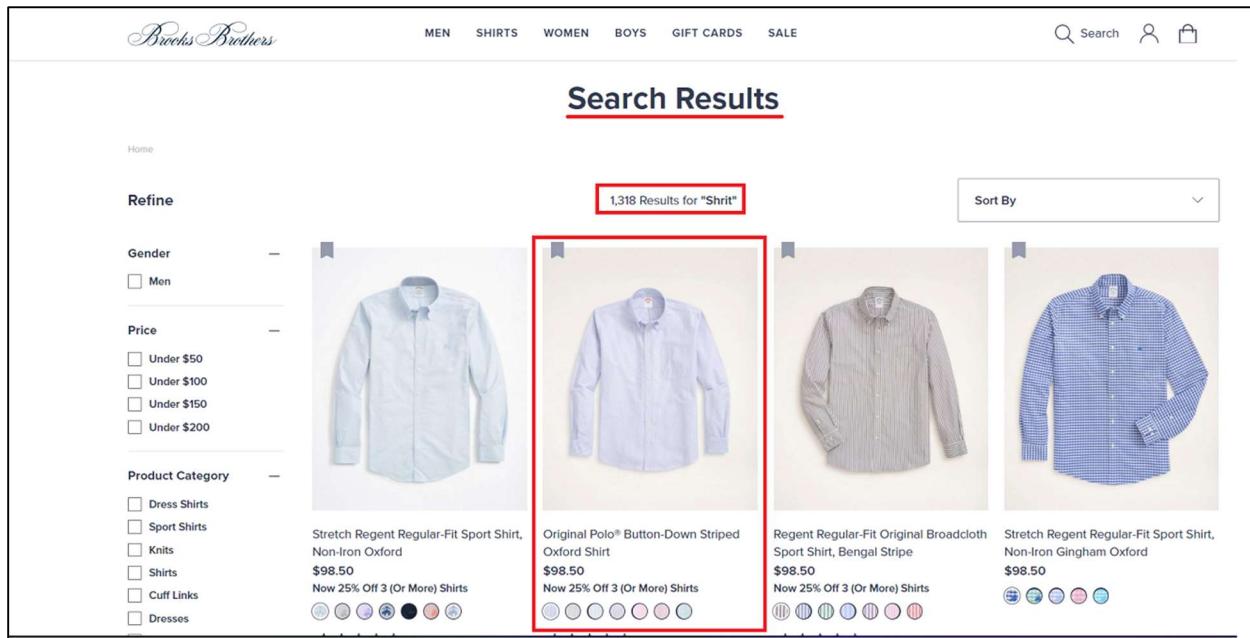
Stretch Regent Regular-Fit Sport Shirt, Non-Iron Oxford  
\$98.50  
Now 25% Off 3 (Or More) Shirts

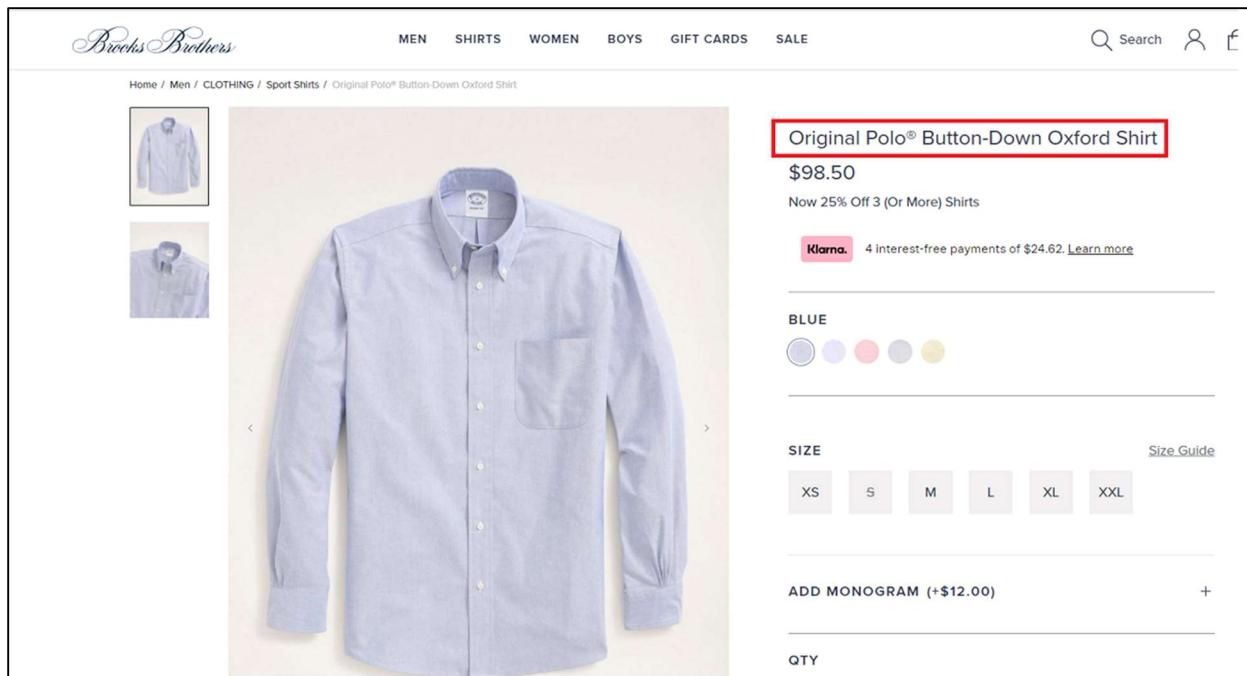
Stretch Regent Regular-Fit Dress Shirt, Non-Iron Poplin Button-Down Collar Micro-Check  
\$108.00  
Now 25% Off 3 (Or More) Shirts

9. On information and belief, when searching for an item category the user may enter a keyword that does not directly match an existing category. The Accused Website then determines the requested search term is unknown.

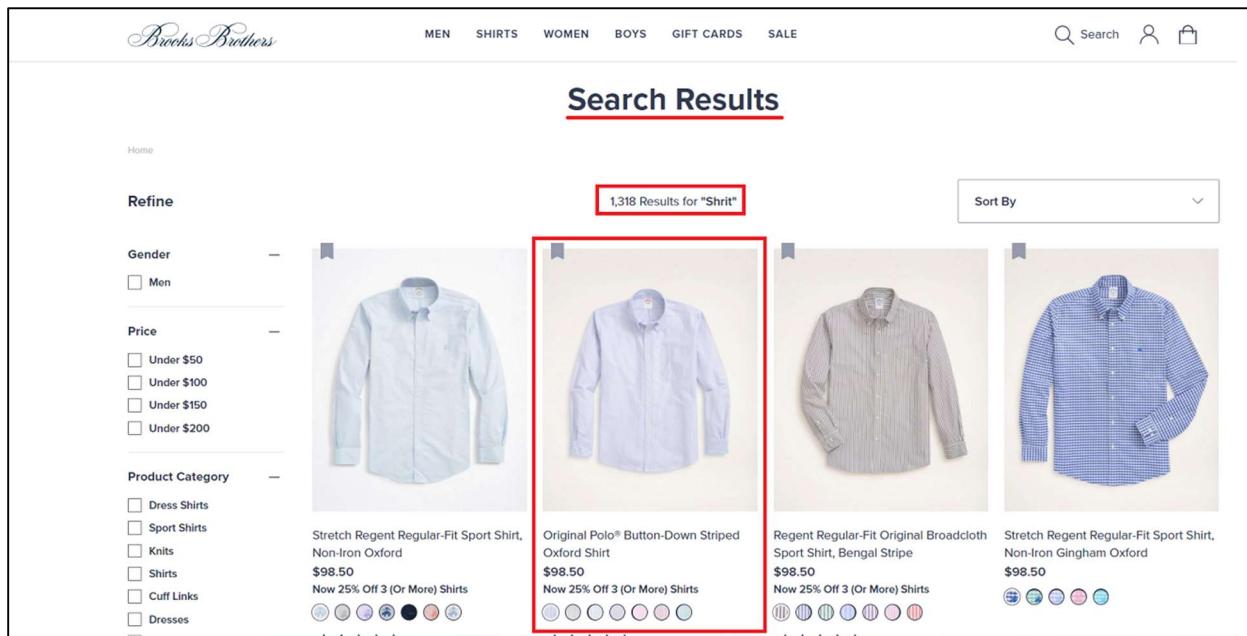


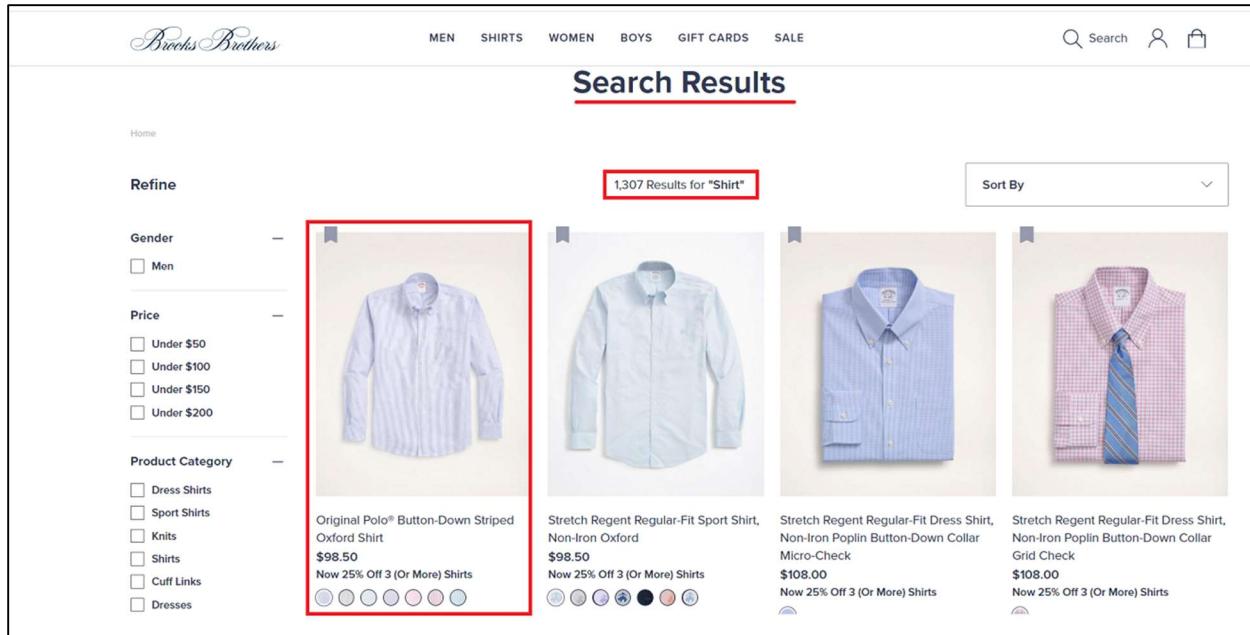
10. On information and belief, the Accused Website then receives additional input from the user to select the desired category and presents a response to the user based on the items in the selected category.





11. On information and belief, the Accused Website learns the association between the unknown word and the keywords associated with the item category for which a direct relationship is formed.





## COUNT I (Infringement of U.S. Patent No. 7,689,617)

12. Hitel incorporates the above paragraphs as though fully set forth herein.
13. Plaintiff is the owner, by assignment, of U.S. Patent No. 7,689,617 ("the '617 Patent"), entitled DYNAMIC LEARNING NAVIGATION SYSTEMS, which issued on March 30, 2010. A copy of the '617 Patent is attached as Exhibit PX-617.
14. The '617 Patent is valid, enforceable, and was duly issued in full compliance with Title 35 of the United States Code.
15. Defendant has been and is now infringing one or more claims of the '617 Patent under 35 U.S.C. § 271 by making and using the Accused Website in the United States without authority.
16. Defendant has also infringed the '617 Patent by encouraging customers (and potential customers) to use the Accused Website to practice the claims of the '617 Patent.
17. Claim 1 of the '617 Patent recites:

1. A method performed in a system comprising user navigable nodes, documents attached to the user navigable nodes, keywords associated with the user navigable nodes and having search and navigation capability that allows users to move from node to node via links between the nodes and make selections when at individual nodes, the method comprising, at a user navigable node within the system:

receiving input from a user;

determining that the input contains an unknown word;

subsequent to the determining, navigating through the system to a current node from the user navigable node based upon at least one additional input from the user that was provided while at the user navigable node;

presenting at least one response to the user based upon the documents attached to the current node resulting from the navigation; and

following presentation of the at least one response, learning one or more associations between the unknown word and one or more keywords from the documents attached to the current node, such that a direct relationship is formed between the unknown word and the one or more keywords.

18. More particularly, Defendant infringes at least claim 1 of the '617 Patent.

19. As illustrated above, on information and belief, Defendant makes and uses the Accused Website, which comprises navigable nodes, documents attached to the user navigable nodes, keywords associated with the user navigable nodes.

20. On information and belief, the Accused Website has search and navigation capability that allows users of the website to move from node to node via links between the nodes and make selections when at individual nodes.

21. On information and belief, Defendant receives an input from a user.

22. On information and belief, Defendant determines that the input contains an unknown word.

23. On information and belief, subsequently, Defendant navigates through the system to a current node from the user navigable node based upon at least one additional input from the user that was provided while at the user navigable node.

24. On information and belief, Defendant presents at least one response to the user based upon the documents attached to the current node resulting from the navigation.

25. In information and belief, Defendant learns one or more associations between the unknown word and one or more keywords from the documents attached to the current node, such that a direct relationship is formed between the unknown word and the one or more keywords.

26. Hitel has been damaged by Defendant's infringing activities.

#### **PRAYER FOR RELIEF**

WHEREFORE, Plaintiff respectfully requests the Court enter judgment against Defendant:

1. declaring that Defendant has infringed the '617 Patent;
2. awarding Plaintiff its damages suffered as a result of Defendant's infringement of the '617 Patent;
3. awarding Plaintiff its costs, attorneys' fees, expenses, and interest; and
4. granting Plaintiff such further relief as the Court finds appropriate.

**JURY DEMAND**

Plaintiff demands trial by jury, on all issues so triable, under Fed. R. Civ. P. 38.

Dated: February 28, 2022

Respectfully submitted,



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**ATTORNEYS FOR PLAINTIFF**